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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/836,715  | 04/16/2001  | Robert E. Walsh      | SUN-P5923-SH        | 7145             |
| 28422   | 7590        | 07/06/2005           | EXAMINER            |                  |
| HOYT A. FLEMING III<br>P.O. BOX 140678<br>BOISE, ID 83714 |             |                      | DINH, MINH          |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2132                |                  |

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/836,715

Applicant(s)

WALSH ET AL.

Examiner

Minh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed 04/13/2005. Claim 11 has been amended to overcome the lack of antecedent basis for a limitation in the claim. However, claim 11 was also rejected under 35 U.S.C 112, 2<sup>nd</sup> paragraph for another reason in the previous Office Action. The Applicants are required to address the remaining issue with claim 11 in the next response.

### ***Response to Arguments***

2. Applicant's arguments filed 04/13/2005 have been fully considered but they are not persuasive. Applicants argue that the combination of Fegghi and Fletcher does not disclose: (a) determining the time that a request for certificate certification was sent; (b) determining the time that a certificate was received; and (c) determining the difference between the time that the request for certificate was sent and the time that the request for certificate was received. Fegghi discloses sending a request for certificate certification (Certificate Enrollment, p. 80-81) and receiving a certificate (Certificate Generation, p. 82; Digital Signature Processes—PKCS7.SignedData, p. 182-184). What Fegghi fails to teach is determining the time that the request was sent, determining the time that the response was received and determining the difference between the time that the request was sent and the time that the response was received. Fletcher discloses a method for obtaining performance statistics of a network application that sends requests and receives responses, the method comprising

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sending a request, determining the time that the request was sent, receiving a response, determining the time that the response was received and determining the difference between the time that the request was sent and the time that the response was received (figures 5 and 10; col. 13, lines 5-18). Fegghi and Fletcher are analogous art because they are from the same field of endeavor, network applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Fegghi method to include the steps of determining the time that the request was sent, determining the time that the response was received and determining the difference between the time that the request was sent and the time that the response was received, as taught by Fletcher. The motivation for doing so would have been to provide an accurate measure of the performance and reliability of the network which is important to network applications (col. 18, line 57 – col. 19, lines 12). Accordingly, the network latency is calculated based on the time that the request for a certificate was sent and the time that the certificate was received.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how the time that the last data packet of the certificate chain which is part of the response is used to determine the time of the

request was sent. The claim is interpreted as “the act of determining the time that the certificate was received includes determining the time that the last data packet of a complete certificate chain was received” (see Specification, p. 11, lines 10-19).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 8, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feghhi et al (“Digital Certificates – Applied Internet Security”) in view of Fletcher et al (6,363,477).

Regarding claims 1 and 6, Feghhi discloses a method comprising: generating a request for certificate certification that includes a distinguished name, a public key and data that indicates a usage of the public key (Certificate Enrollment, p. 80-81; Key Certification Request—PKCS #10, p. 181-182); sending the request for certificate certification to a computer system (Certificate Enrollment, p. 80-81); receiving a certificate from the computer system (Certificate Generation, p. 82; Digital Signature Processes—PKCS7.SignedData, p. 182-184); and determining whether the certificate contains information that indicates whether the public key may be utilized for the usage indicated in the data (Introduction to the LRA Model, p. 234, 4<sup>th</sup> paragraph).

Feghhi does not disclose determining the time that the request was sent, determining the time that the response was received and determining the difference between the time that the request was sent and the time that the response was received. Fletcher discloses a method for obtaining performance statistics of network applications comprising sending a request, determining the time that the request was sent, receiving a response, determining the time that the response was received and determining the difference between the time that the request was sent and the time that the response was received (figures 5 and 10; col. 13, lines 5-18). Feghhi and Fletcher are analogous art because they are from the same field of endeavor, network applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Feghhi method to include the steps of determining the time that the request was sent, determining the time that the response was received and determining the difference between the time that the request was sent and the time that the response was received, as taught by Fletcher. The motivation for doing so would have been to provide an accurate measure of the performance and reliability of the network (col. 18, line 57 – col. 19, lines 12). Accordingly, the network latency is calculated based on the time that the request for a certificate was sent and the time that the certificate was received.

Regarding claim 16, Feghhi also discloses generating and processing a plurality of requests for certificate certification (Outsourcing Key Management Services, p. 233; LRA Queues Requests, p. 237; Automated Processing, p. 237).

Regarding claims 2 and 17, Feghhi further discloses that the request includes an object identifier (Key Certification Request—PKCS #10, p. 181-182).

Regarding claims 3 and 18, Feghhi further discloses that the public key is owned by the entity that owns the distinguished name (Key Certification Request—PKCS #10, p. 181-182).

Regarding claims 4 and 19, Feghhi further discloses that the public key is not owned by the entity that owns the distinguished name (Certificate Enrollment, p. 80, 1<sup>st</sup> paragraph).

Regarding claims 5 and 20, Feghhi further discloses digitally signing the distinguished name and the public key (Key Certification Request—PKCS #10, p. 181-182).

Regarding claim 8, Feghhi further discloses sending the request for certificate certification to a certificate authority (Certificate Enrollment, p. 80, 1<sup>st</sup> paragraph).

Regarding claim 11, Feghhi further discloses receiving a certificate chain (Key Certification Request—PKCS #10, p. 181, 2<sup>nd</sup> paragraph; Digital Signature Processes—PKCS7.SignedData, p. 184, 1<sup>st</sup> paragraph). Fletcher further discloses that determining the time that the response was received includes applying a time-stamp to each response packet (col. 9, lines 55-61; col. 10, lines 42-57).

Regarding claim 12, Feghhi further discloses that the certificate is compliant with a version of the X.509 standard (Key Certification Request—PKCS #10, p. 181-182).

Regarding claim 13, Feghhi further discloses that the certificate is compliant with version 3 of the X.509 standard (Figure 3-2, p. 67).

Regarding claim 14-15, Feghhi further discloses determining whether an X.509 key usage extension may be utilized for the usage indicated in the data (X.509 Extension Fields, p. 68-69; Key Certification Request—PKCS #10, p. 182, 4<sup>th</sup> paragraph; Introduction to the LRA Model, p. 234, 4<sup>th</sup> paragraph).

7. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feghhi in view of Fletcher as applied to claim 1 above, and further in view of Hughes ("White Paper - Certificate Inter-operability"). Feghhi does not disclose that the request for certificate certification is complied with the PKCS #7. Hughes discloses sending a request for certificate certification that is complied with the PKCS #7 (Distributed Generation, p. 10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined method of Feghhi and Fletcher such that the request for certificate certification is complied with the PKCS #7, as taught by Hughes. The motivation for doing so would have been that only the CA could decrypt the PKCS #7 message and extract the certificate request.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feghhi in view of Fletcher as applied to claim 1 above, and further in view of Sites 6,728,880). Feghhi does not disclose accessing a third computer system that contains a time reference. Sites discloses accessing a third computer system that contains a time reference (col. 1, lines 9-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined method of Feghhi and



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Fletcher to access a third computer system that contains a time reference, as taught by Hughes. The motivation for doing so would have been to obtain a trusted time that was not subjected to user manipulation and could be relied upon.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

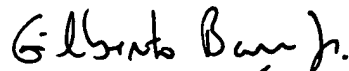
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

Minh Dinh  
Examiner  
Art Unit 2132

MD  
6/30/05



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